IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE N.V. RAMANA

W.P. No. 26116 OF 2005

Dated : March 31, 2006

Between:

Md. Khaleel Hussain

Petitioner

AND

The APSRTC, Rep. by its Vice Chairman &

Managing Director, Musheerabad,

Hyderabad and two others

Respondents

THE HONOURBALE SRI JUSTICE N.V. RAMANA

W.P. No. 26116 OF 2005

ORAL ORDER:

Seeking a writ of mandamus declaring the action of the respondents in not providing alternative employment to the petitioner and retiring him from service due to defective distant vision vide proceedings dated 16.0.2003, as illegal and arbitrary and contrary to Sec. 47 of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995, the petitioner filed this writ petition.

The petitioner was appointed as Driver in the Respondent Corporation in the year 1984 and during periodical medical examination, the petitioner was found to be unfit for the post of driver and, therefore, was retired from service through the impugned proceedings.

The petitioner contends that Regulation 6A of Service Regulations contemplates that the employee may be offered some alternative employment for which he is otherwise qualified and suitable. The petitioner submits that he has a decade of left over service and since he does not have any source of income, he submitted representations dated 5.12.2003, 6.7.2004 and 25.9.2005 to the second respondent, but they were not considered. The petitioner further contends that similarly situated persons were provided alternative employment viz., K.Nayeemuddin, Driver was provided employment as Shramik. Therefore, the petitioner seeks a direction to the respondents to provide him any alternative employment.

The provisions of Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995, which is a Central Act came into effect from 7.2.1996 and they apply to all the establishments. Admittedly, the Corporation is the creation of a State Act and, therefore, the provisions of the said Act equally apply to the respondent Corporation. If these provisions are read in juxtaposition with Regulation 6A of the Service Regulations, which contemplates that the employee may be offered some alternative employment, if he is otherwise, qualified and suitable, the petitioner’s request to provide him alternative employment, in view of his leftover service of a

decade, appears to be genuine. Therefore, the respondents are directed to consider the representations of the petitioner dated 5.12.2003, 6.7.2004 and 25.9.2005 and provide an alternative employment to the petitioner, and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

With this direction, the writ petition is disposed of. No order as to costs.

N.V.RAMANA, J.

March 31, 2006

MAS.